IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7736 of 2007()

CRIME 283/07 OF NALLALAM POLICE STATION

PETITIONER :

SHIBU.O, S/O.RAGHAVAN NAIR, AGED
28 YEARS, RESIDING AT OTTIRIMEETHAL HOUSE,
CHEMMALATHUR KUTTIKKATOOR P.O.,
KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION,
KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7736 OF 2007

Dated this the 14th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Section 452 IPC. That is the only non-bailable offence alleged. The petitioner is the 2nd accused. He is a friend of the 1st accused. The 1st accused claims that he had married the daughter of the de facto complainant. There is some disputes in that matrimony. The allegation in this crime is that the accused persons trespassed into the house of the de facto complainant. Facts have been adverted to in detail in the order dated 30.10.07 in B.A. No.6471/07. The 1st accused was granted anticipatory bail by that order. The allegation against the petitioner is only that he had accompanied the 1st accused.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer

and I am satisfied that in the facts and circumstances of the case that identical directions under Section 438 Cr.P.C. can be issued in favour of the petitioner herein also. This order must be read in continuation of the order dated 30.10.07 and I am not, hence, adverting to the facts in any greater detail in this order.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 21.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 22.12.2007 and thereafter as and when directed

by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 21.12.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21.12.2007.

(R.BASANT, JUDGE)

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